

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: **Chagoly et al.**

Serial No.: **10/697,918**

Filed: **October 30, 2003**

For: **Method and Apparatus for  
Optimizing Parking Situations**

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§

Group Art Unit: **3628**

Examiner: **Robinson Boyce, Akiba K.**

Attorney Docket No.: **AUS920030809US1**

**35525**

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Appeal Brief was received by Applicant stating that “the appeal brief filed on December 7, 2007 is considered non-compliant because “The brief does not contain certain items required under 37 C.F.R. 41.37(c)”. A copy of the Notice of Non-Compliant Appeal Brief is attached hereto.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Notification of Non-Compliant Appeal Brief dated December 17, 2007, please reconsider the holding of non-compliance as follows:

## **REMARKS**

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on December 7, 2007 was held defective because the brief does not contain certain items required under 37 C.F.R. 41.37(c), pertaining to the Status of Claims, Status of Amendments and Claims Appendix.

In order to address the Examiner's concerns, a Replacement Appeal Brief is submitted herewith. It is respectfully submitted that the Replacement Appeal Brief filed herewith is in compliance with 37 C.F.R. § 41.37. Appellant respectfully requests that the Replacement Appeal Brief be entered.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Date: January 17, 2008

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: <b>Chagoly et al.</b>	§	
	§	Group Art Unit: <b>3628</b>
Serial No. <b>10/697,918</b>	§	
	§	Examiner: <b>Robinson Boyce, Akiba K.</b>
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For: <b>Method and Apparatus for</b>	§	
<b>Optimizing Parking Situations</b>	§	

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**REPLACEMENT APPEAL BRIEF (37 C.F.R. 41.37)**

This brief is in furtherance of the Notice of Appeal, filed in this case on September 11, 2007.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

**REAL PARTY IN INTEREST**

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, Previously Presented York.

### **RELATED APPEALS AND INTERFERENCES**

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

## **STATUS OF CLAIMS**

### **A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1-21

### **B. STATUS OF ALL THE CLAIMS IN APPLICATION**

1. Claims canceled: NONE
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 1-21
4. Claims allowed: NONE
5. Claims rejected: 1-21
6. Claims objected to: NONE

### **C. CLAIMS ON APPEAL**

The claims on appeal are: 1-21

### **STATUS OF AMENDMENTS**

An amendment after Final Rejection was not filed. Therefore, Claims 1-21 on appeal herein are as amended in the Response to Office Action dated March 19, 2007.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

### **A. CLAIM 1 – INDEPENDENT**

The subject matter of Claim 1 is directed to a method for providing location data concerning optimal parking spaces according to a user profile (*Specification, page 3, lines 1-4; specification, page 3, lines 15-16; specification, page 8, lines 1-4*). The method includes retentively storing a user profile in a profile database, wherein the user profile contains at least one user preference concerning preferred parking parameters that pertain to a parking space (*Specification, page 3, lines 9-11; specification, page 3, lines 16-23; specification, page 8, lines 8-9; specification, page 9, lines 9-19; specification, page 17, lines 3-8; Figure 2, database 224; Figure 7, profile 700*). The method further includes providing a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system (*Specification, page 3, lines 5-15; specification, page 8, lines 1-8; specification, page 9, lines 1-8; specification, page 16, lines 12-22; Figure 2, database 222; Figure 6, database 600*). The method further includes determining a list of available parking spaces (*Specification, page 3, lines 5-9; specification, page 8, line 29 to page 9, line 1; specification, page 16, line 23 to page 17, line 2; specification, page 18, lines 14-22; Figure 2, surveyor 210, sensors 202-206; Figure 9, steps 906-908*). The method further includes retrieving from the profile database, in response to a user communication with the parking management system, a previously stored user profile containing at least one user preference (*Specification, page 4, lines 1-3; specification, page 8, lines 9-13; specification, page 9, lines 22-29; specification, page 17, lines 3-8; Figure 7, profile 700; Figure 9, step 912*). The method further includes providing an optimal available parking space based on the previously stored user profile, the parking database, and the list of available parking spaces, in response to user communication with the parking management system (*Specification, page 4, lines 3-8; specification, page 8, lines 12-15; specification, page 9, line 27- page 10, line 7; specification, page 19, lines 8-17; Figure 9, steps 920-922*).



## B. CLAIM 11 – INDEPENDENT

The subject matter of Claim 11 is directed to an apparatus for providing location data concerning optimal parking spaces according to a user profile (*Specification, page 3, lines 1-4; specification, page 3, lines 15-16; specification, page 8, lines 1-4*). The apparatus includes a parking management system (*Specification, page 8, line 16 – page 10, line 7; Figure 2, sensors 202-206, surveyor 210, databases 222-224, processor 220 and terminal 230*). The apparatus further includes a profile database for retentively storing a user profile in a profile database that contains at least one user preference concerning preferred parking parameters that pertain to a parking space (*Specification, page 3, lines 9-11; specification, page 3, lines 16-23; specification, page 8, lines 8-9; specification, page 9, lines 9-19; specification, page 17, lines 3-8; Figure 2, profile database 224; Figure 7, profile 700*). The apparatus further includes a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system (*Specification, page 3, lines 5-15; specification, page 8, lines 1-8; specification, page 9, lines 1-8; specification, page 16, lines 12-22; Figure 2, database 222; Figure 6, database 600*). The parking management system is capable of determining a list of available parking spaces (*Specification, page 3, lines 5-9; specification, page 8, line 29 to page 9, line 1; specification, page 16, line 23 to page 17, line 2; specification, page 18, lines 14-22; Figure 2, surveyor 210, sensors 202-206; Figure 9, steps 906-908*). The parking management system is further capable of retrieving from the profile database, in response to a user communication with the parking management system, a previously stored user profile containing at least one user preference (*Specification, page 4, lines 1-3; specification, page 8, lines 9-13; specification, page 9, lines 22-29; specification, page 17, lines 3-8; Figure 7, profile 700; Figure 9, step 912*). The parking management system is further capable of providing an optimal available parking space based on the previously stored user profile, the parking database, and the list of available parking spaces, in response to user communication (*Specification, page 4, lines 3-8; specification, page 8, lines 12-15; specification, page 9, line 27 to page 10, line 7; specification, page 19, lines 8-17; Figure 9, steps 920-922*).

### **C. CLAIM 21 – INDEPENDENT**

The subject matter of Claim 21 is directed to a computer program product, executable by a computer readable medium, for providing location data concerning optimal parking spaces according to a user profile (*Specification, page 3, lines 1-4; specification, page 3, lines 15-16; specification, page 8, lines 1-4; specification, page 10, lines 16-27; Figure 3, items 302 and 304*). The computer program product includes instructions for determining a list of available parking spaces (*Specification, page 3, lines 5-9; specification, page 8, line 29 to page 9, line 1; specification, page 16, line 23 to page 17, line 2; specification, page 18, lines 14-22; Figure 2, surveyor 210, sensors 202-206; Figure 9, steps 906-908*). The computer program product further includes instructions, responsive to a user communication with the parking management system, for providing an optimal available parking based on a retentively stored user profile in a database, wherein the user profile contains at least on user preference concerning preferred parking parameters that pertain to a parking space, a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system, and the list of available parking spaces (*Specification, page 3, lines 5-23; specification, page 4, lines 1-8; ; specification, page 8, line 1-13; specification, page 9, lines 1-19; specification, page 9, lines 22-29; specification, page 16, lines 12-22; specification, page 17, lines 3-8; specification, page 19, lines 8-17; Figure 2, database 222, database 224; Figure 6, database 600; Figure 7, profile 700; Figure 9, steps 920-922*).

### **D. CLAIM 5 – DEPENDENT**

The subject matter of Claim 5 is directed to the method of Claim 1, as modified by the limitations of Claim 5. Claim 5 is thus directed to a method for providing location data concerning optimal parking spaces according to a user profile (*Specification, page 3, lines 1-4; specification, page 3, lines 15-16; specification, page 8, lines 1-4*). The method includes retentively storing a user profile in a profile database, wherein the user profile contains at least one user preference concerning preferred parking parameters that pertain to a parking space (*Specification, page 3, lines 9-11; specification, page 3, lines 16-23; specification, page 8, lines 8-9; specification, page 9, lines 9-19; specification, page 17, lines 3-8; Figure 2, database 224;*

*Figure 7, profile 700*). The method further includes providing a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system (*Specification, page 3, lines 5-15; specification, page 8, lines 1-8; specification, page 9, lines 1-8; specification, page 16, lines 12-22; Figure 2, database 222; Figure 6, database 600*). The method further includes determining a list of available parking spaces (*Specification, page 3, lines 5-9; specification, page 8, line 29 to page 9, line 1; specification, page 16, line 23 to page 17, line 2; specification, page 18, lines 14-22; Figure 2, surveyor 210, sensors 202-206; Figure 9, steps 906-908*). The method further includes selecting from the profile database, in response to receiving an identification of a user, a previously stored user profile containing at least one user preference (*Specification, page 4, lines 1-3; specification, page 8, lines 9-13; specification, page 9, lines 22-29; specification, page 17, lines 3-8; Figure 7, profile 700; Figure 9, step 912*). The method further includes providing an optimal available parking space based on the previously stored user profile, the parking database, and the list of available parking spaces, in response to user communication with the parking management system (*Specification, page 4, lines 3-8; specification, page 8, lines 12-15; specification, page 9, line 27- page 10, line 7; specification, page 19, lines 8-17; Figure 9, steps 920-922*).

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

**A. GROUND OF REJECTION 1 (Claims 1, 3-4, 7-11, 13-14 and 17-21)**

Claims 1, 3-4, 7-11, 13-14 and 17-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,970,101 (Squire).

**B. GROUND OF REJECTION 2 (Claims 2, 5-6, 12 and 15-16)**

Claims 2, 5-6, 12 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,970,101 (Squire) in view of U.S. Patent No. 5,940,481 (Zeitman).

## **ARGUMENT**

### **A. GROUND OF REJECTION 1 (Claims 1, 3-4, 7-11, 13-14 and 17-21)**

Claims 1, 3-4, 7-11, 13-14 and 17-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,970,101 (Squire).

Independent Claim 1 reads as follows:

1. A method for providing location data concerning optimal parking spaces according to a user profile, comprising the steps of:
  - retentively storing a user profile in a profile database, wherein said user profile contains at least one user preference concerning preferred parking parameters that pertain to a parking space;
  - providing a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system;
  - determining a list of available parking spaces;
  - responsive to a user communication with the parking management system, retrieving from said profile database a previously stored user profile containing said at least one user preference; and
  - responsive to said user communication with the parking management system, providing an optimal available parking space based on the previously stored user profile, the parking database, and the list of available parking spaces.

#### **A.1. Appellants' Claimed Embodiments**

In making their invention, Appellants recognized that users of parking facilities frequently have preferences in regard to the physical characteristics or parameters of the spaces in which they park. For example, a driver may wish to park a predetermined distance from an entrance or exit. Accordingly, Appellants sought to provide a mechanism whereby parking preferences for a user would be retained or stored at a parking facility in a database, over time. Thus, the next time the user went to the facility, the user profile could be retrieved by a parking management system, merely from an identification of the user. The system would then use information in the retrieved profile to indicate which parking spaces, of those then available, would be most suitable for the user.

These teachings are set forth in Appellants' specification, such as at page 3, line 27; page 4, line 8; page 7, lines 10-20; page 8, lines 8-15, page 9, lines 9-15; and Figure 2, which

respectively read as follows:

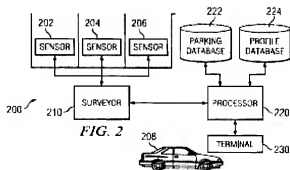
The parking management system of the present invention makes an intelligent recommendation for a parking spot. The management system identifies a user and retrieves the profile of the user from the profile data structure. The parking management system then searches the parking data structure for available spots and selects a spot or set of spots that most closely match the user's preferences. The parking management system then presents the spot or set of spots to the driver. [page 3, line 27 – page 4, line 8] (emphasis added)

For example, a driver may wish to park a predetermined distance from entrance/exit 102 or elevator lobby 108.

The structure may include support poles, such as poles 106, which may encroach upon one or more parking spaces. Drivers may wish to park in a space with no poles. Alternatively, a driver may wish to park in a space with a pole on a particular side. For example, a driver may pull into a parking space forward with a pole on the right to reduce the likelihood that a driver's side door of a vehicle in an adjacent space will be opened into the side of vehicle. [page 7, lines 10-20]

Drivers provide profile information including parking preferences. Each driver may be uniquely identified using, for example, a magnetic stripe card, bar code, smart card, or the like. When a driver enters the parking structure, the driver is identified and a parking space is selected based on the driver's individual profile. The selected space or set of spaces are presented to the driver. [page 8, lines 8-15] (emphasis added)

Profile database 224 contains profiles for users of the parking structure. A profile may include the size of the parking space desired in case the user drives a particularly large or small vehicle. The profile may also contain specific requirements or preferences, such as being on an end of a row, whether a pole is on one side or another, and distance from elevator, for example. [page 9, lines 9-15]



## A.2. Rejection of Claim 1

In rejecting Claim 1, the Examiner stated the following in the Office Action:

As per claim 1, Squire et al discloses:

Retentively storing a user profile in a profile database, wherein said user profile contains at least one user preference concerning preferred parking parameters that pertain to a parking space, (Col. 11, lines 30-33, and lines 51-53, providing/submitting customer preferences to receive assignment of a parking space, which is communicated to a database processor. In this case, preference information is passed to the database processor, which in this case, represents the profile database since at least one preference makes up a user profile);

providing a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system, (Abstract, lines 2-4, identifying characteristics of parking spaces stored in database);

determining a list of available parking spaces, (Col. 12, lines 46-48, list of available parking spaces is sorted); and

responsive to a user communication with the parking management system, retrieving from said profile database a previously stored user profile containing said at least one user preference, (col. 11, line 53-Col. 12, line 15, shows customer submitting his or her preference information, which represents the user communication, also shows retrieval of ticket information, which is representative of user preferences since ticket information is no more than a hardcopy of assignment information, and to receive an assignment of a parking space, customer must enter in preference information, and therefore, both assignment information, and ticket information are representative of preference information. The retrieval of profile information is therefore represented by the retrieval of ticket information); and

responsive to said user communication with the parking management system, providing an optimal available parking space based on the previously stored user profile, the parking database, and the list of available parking spaces, (Col. 7, line 66- Col. 8, line 2, determines optimal match of customer preferences and available parking spaces, w/Col. 12, lines 48-50, list is displayed and a ticket with a parking space number is printed and available to customer). **[Final Office Action dated 06/11/2007, pps.2-3]**

However, Squire discloses providing/submitting customer preferences to receive assignment of a parking space, which is communicated to a database processor in Col. 11, lines 30-33, and lines 51-53. In this case, preference information is passed to the database processor, and here, preference information represents the profile database since at least one preference makes up a user profile. In addition, col. 11, line 53-Col. 12, line 15 of Squire shows a customer submitting his or her preference information, which represents the user communication. Squire also shows retrieval of ticket information, which is representative of user preferences since ticket information is no more than a hardcopy of assignment information, and to receive an assignment of a parking space, customer must enter in preference information, and therefore, both

assignment information, and ticket information are representative of preference information. The retrieval of profile information is therefore represented by the retrieval of ticket information.

The applicant also argues that the present invention stresses the need for customers to input parking related information, every time that a parking space is required by amending the claims to disclose "retentively storing a user profile in the database" and according to applicant, Squire teaches that the disclosure thereof is only concerned with the immediate use of parking facilities. However, Squire does teach input of parking related information every time a parking space is required. Looking at the Abstract of Squire, it shows that in order to request a parking space, a garage customer inputs data concerning his or her preferences for parking. In addition, by adding the term "retentively", this term does not add to stressing the need for customers to input parking related information. Since Squire stores a user profile as explained above in the preceding paragraph, this information is retentively stored since storage has the capacity to retain the information. **[Final Office Action dated 06/11/2007, pps. 10-11]**

Pertinent teachings of *Squire* are found at col. 4, lines 21-24, col. 6, lines 47-57, col. 7, line 66, col. 8, line 2, col. 9, lines 54-59, col. 11, lines 7-15, col. 11, lines 30-33, and col. 11, line 53 to col. 12, line 15. These sections respectively read as follows:

A still further object of the present invention is to provide a parking guidance system that includes an interface for receiving customer preference information about parking spaces from a plurality of peripheral devices. **[col. 4, lines 21-24] (emphasis added)**

FIG. 1 illustrates, a customer driving to a shopping mall 16. The customer may need to park his or her vehicle 14 in a parking garage 12. As the customer approaches the entrance 17 to the garage 12, he or she may provide preferential information such as where in the mall 16 the customer wants to be or the type of the vehicle the customer is driving. This information is necessary to ascertain the size of the vehicle and hence the size of the parking space required. This information also aids the system in finding a parking space by providing other customer preferences and/or requirements, e.g., if handicap parking is needed. **[col. 6, lines 21-24] (emphasis added)**

Additionally, the parking guidance system 10 computes the optimal match of customer's preferences and available parking spaces in a parking garage. **[col. 7, line 66 – col. 8, line 2]**

#### Customer Preferences

To request an available parking space, customers provide their preferences to the customer interface of the parking guidance system 10. What the customer provides is all or a subset of descriptors identified and assigned to individual parking spaces as described above. **[col. 9, lines 54-59] (emphasis added)**



For every vehicle that enters the garage, the matrix multiplication  $S=W \times P$  is performed. The  $S$  vector is of size  $L$ , the number of available parking spaces, and provides the preference score for each parking space 18. The optimum unoccupied parking space 18 corresponds to the highest value row of matrix  $S$ . As described above, each parking space is described in the matrix  $W$  70, by descriptors  $w_{ij}$ , where (i) is the parking space number and (j) is the preassigned preference number or weight of the descriptor. [col. 11, lines 7-15]

In one exemplary embodiment of the invention, shown in Fig. 6, the customer preference information may be provided to the interface 26 via a computing device 94 built in to the dashboard of the vehicle 14. FIGS. 7 and 8 illustrate. [col. 11, lines 30-33]

To receive an assignment of a parking space 18 the customer must submit his or her preference information to the central computer 22. This is achieved by entering information to the processor 110 through the input peripherals 116. The processor 110 then passes the information to the transmitter 120, which communicates the information via a signal 122 to a receiver 108 of the customer interface 26 and through it into the database processor 96. The database processor 98 passes the information to its transmitter 106, which communicates the information via a signal 130 to a receiver 126 of the central computer 22 and through it into the processor 32.

After the, parking space determination is made as described above, the tickets describing the allocated parking space 18 and direction to it along with any possible promotional information, may be forwarded to the customer at the vehicle device 94 and displayed on the video display 114. This is accomplished as the processor 32 passes the ticket information to the transmitter 128, which transmits a signal 132 including the information to the receiver 102 of the customer interface 26 and into the database processor 96. The database processor 96 then passes the ticket information to the transmitter 106, which transmits a signal 134 includes the information to a receiver 118 of the vehicle device 94 and the processor 110. The processor 110 then displays the ticket to the customer on the video display 114. The forwarded ticket 29 may be retrieved by the customer from the interface 26 or sent to the customer's e-mail address or, using infrared technology such as bluetooth, to his/her cell phone or a PDA. [col. 11, line 53 – col. 12, line 15]

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781

(Fed. Cir. 1983). Moreover, it is a fundamental principle of patent law that prior art must be considered in its entirety. **MPEP2141.02**

Appellants respectfully submit that the *Squire* reference does not teach every element of the claimed invention, arranged as they are in Claim 1. For example, *Squire* does not teach, in the overall combination of Claim 1, the following Claim 1 features:

- (1) Retentively storing a user profile in a profile database, wherein the user profile contains at least one user preference concerning parking parameters that pertain to a parking space (hereinafter “Feature (1)”).
- (2) Responsive to a user communication with the parking management system, retrieving from the profile database a previously stored profile containing at least one user preference (hereinafter “Feature (2)”).

### **A.3. Claim 1 Distinguishes over the Cited References**

It is readily apparent, based on the entire disclosure of *Squire*, that *Squire* teaches an arrangement for providing parking assistance to customers who drive to a shopping mall or the like. Each time a customer approaches an entrance to a parking garage, the customer uses an interface to input parking related preferential information to a parking guidance system. The interface may be a computing device in the customer's vehicle. The guiding system then uses the inputted information to determine which of the vacant parking spaces most closely match the customer input.

In stressing the need for customers to input parking related information, every time that a parking space is required, *Squire* teaches that the disclosure thereof is only concerned with the immediate use of parking facilities. As a result, *Squire* neither discloses, nor has any need for, the teachings of Feature (1) of Claim 1. As stated above, Feature (1) recites retentively storing a user profile in the database, wherein the user profile contains at least one user preference concerning parking parameters that pertain to a parking space. Similarly, *Squire* neither discloses nor requires Feature (2) of Claim 1, that is, retrieving a previously stored user profile containing at least one user preference. Of course, it is readily apparent that a user preference could not be retrieved from a user profile, in accordance with Feature (2), if user preference had not been retentively stored previously, as required by Feature (1).

Applicants stress that the need for customers to input their parking preferences in the *Squire* arrangement, each time they want a parking space, is emphasized repeatedly throughout the *Squire* disclosure. For example, at col. 4, lines 21-24, *Squire* teaches “an interface for receiving customer preference information about parking spaces”. Col. 6, lines 49-52 of *Squire* discloses that as a customer approaches the entrance to a garage, he or she may provide preferential information such as where in the mall a customer wants to be. *Squire* teaches at col. 9, lines 55-57 that in order to request an available parking space, customers provide their preferences to the customer interface of a parking guidance system. Claim 1 of *Squire* is directed to a method that, inter alia, includes the step of inputting data concerning preferences for parking by a user. This repeated emphasis in *Squire*, of the need for customers to input preferential parking space data each time they come to park, is considered to teach away from both Feature (1) and Feature (2) of Claim 1. In the *Squire* arrangement, there would clearly be no reason to retain a user preference profile in a database.

The above teachings are clearly representative of the reasonable and complete disclosure of *Squire*. Moreover, these teachings are emphasized further at col. 11, line 53 to col. 12, line 15 of *Squire*, which was cited on page 11 of the Final Office Action. This section begins by stating categorically, “To receive an assignment of a parking space **18** the customer must submit his or her preference information to the central computer **22**.” (emphasis added). This statement of *Squire* further directs away from Features (1) and (2) of Appellants’ Claim 1. There would obviously be no point in tentatively storing a user preference profile, or retrieving a previously stored preference profile from a database, in an arrangement where a customer must submit his preference information whenever he wants a parking space assignment.

The remainder of the above section describes respective processing steps of a single transaction, whereby a parking space ticket is prepared and made available to a customer. Nowhere does this description teach or suggest that preference information is stored or retained, or used for any purpose after the single transaction ends. Thus, this description of *Squire* fails to disclose tentatively storing a user profile, as required by Feature (1) of Claim 1. Such description likewise fails to disclose retrieving a previously stored profile containing a user preference from a database, as required by Feature (2).

The *Zeitman* reference, such as at col. 1, lines 46-49, discloses a concern with data relating to a parking facility, such as parking facility availability, vehicle identification, user identification, billing information, time of use, and law enforcement information. Thus, *Zeitman* does not teach either retentively storing, or retrieving a previously stored, user profile that contains at least one user preference concerning parking space parameters. Accordingly, *Zeitman* does not teach Feature (1) or Feature (2) of Appellants' Claim 1, nor does *Zeitman* otherwise overcome the deficiencies of *Squire* in regard to Claim 1, as discussed above.

**A.4. Claims 3-4, 7-11, 13-14 and 17-21 Distinguish over the Cited References**

Independent Claims 11 and 21 respectively incorporate subject matter similar to the patentable subject matter of Claim 1, and are each considered to distinguish over the cited references, in any combination, for at least the same reasons given in support thereof.

Claims 3-4 and 7-10 respectively depend from Claim 1, and are each considered to distinguish over the cited references, in any combination, for at least the same reasons given in support thereof.

Claims 13-14 and 17-20 depend from Claim 11, and are each considered to distinguish over the cited references, in any combination, for at least the same reasons given in support thereof.

Therefore, Claims 1, 3-4, 7-11, 13-14 and 17-21 are believed to patentably distinguish over *Squire*, and it is respectfully requested that the Board reverse the Examiner's final rejection of those claims.

**B. GROUND OF REJECTION 2 (Claims 2, 5-6, 12 and 15-16)**

Claims 2, 5-6, 12 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,970,101 (*Squire*) in view of U.S. Patent No. 5,940,481 (*Zeitman*).

Claims 2 and 5-6 respectively depend from Claim 1, and are each considered to distinguish over the cited *Squire* and *Zeitman* references, in any combination, for at least the same reasons given in support thereof.

Claims 12 and 15-16 depend from Claim 11, and are each considered to distinguish over the cited *Squire* and *Zeitman* references, in any combination, for at least the same reasons given in support thereof.

**B.1. Claims 5 and 15 Further Distinguish over the Cited References**

Claims 5 and 15 additionally distinguish over the art in reciting the feature that the previously stored user profile containing at least one user preference is selected in response to receiving an identification of a user. As discussed above, *Squire* does not disclose a previously stored user profile that contains a user preference, and neither does *Zeitman*. For example, teachings of *Zeitman*, at col. 4, lines 16-23, are completely unrelated to user preferences, or to a profile thereof. Thus, neither *Squire* nor *Zeitman*, nor any combination thereof, discloses this feature. Claim 15 recites subject matter similar to the patentable subject matter of Claim 5, and distinguishes over the art for the same reasons.

Therefore, Claims 2, 5-6, 12 and 15-16 are believed to patentably distinguish over *Squire*, *Zeitman* and any combination thereof, and it is respectfully requested that the Board reverse the Examiner's final rejection of those claims.

**C. CONCLUSION**

At least for all of the above reasons, it is respectfully requested that the Board reverse the Examiner's rejection of Claims 1-21.

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## **CLAIMS APPENDIX**

The text of the claims involved in the appeal are:

1. A method for providing location data concerning optimal parking spaces according to a user profile, comprising the steps of:
  - retentively storing a user profile in a profile database, wherein said user profile contains at least one user preference concerning preferred parking parameters that pertain to a parking space;
  - providing a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system;
  - determining a list of available parking spaces;
  - responsive to a user communication with the parking management system, retrieving from said profile database a previously stored user profile containing said at least one user preference; and
  - responsive to said user communication with the parking management system, providing an optimal available parking space based on the previously stored user profile, the parking database, and the list of available parking spaces.
2. The method of claim 1, wherein said previously stored user profile containing said at least one user preference includes an identification of a user.
3. The method of claim 1, wherein the data concerning preferred parking parameters includes a set of parameters and, for each parameter within the set of parameters, a preference value and a priority.
4. The method of claim 1, wherein the user profile is a default profile.
5. The method of claim 1, wherein said previously stored user profile containing said at least one user preference is selected in response to receiving an identification of a user.

6. The method of claim 5, wherein the identification of the user is received by one of a card reader and a keypad interface.
7. The method of claim 1, wherein said stored user profile contains at least one user preference concerning a parking parameter selected from a group that includes at least one of an identification, an indication of whether a parking space is occupied, an indication of whether the parking space is designated as handicapped, an indication of whether a pole is on one side of the parking space, a distance from an elevator lobby, a distance from an entrance or exit, and an indicator of whether the parking space is on an end of a row.
8. The method of claim 1, wherein determining a list of available parking spaces includes receiving sensor information from a plurality of sensors, wherein each sensor within the plurality of sensors indicates whether a given parking space is occupied.
9. The method of claim 1, wherein providing an optimal available parking space includes outputting the optimal available parking space to an output device.
10. The method of claim 1, wherein output device is one of a display and a printer.
11. An apparatus for providing location data concerning optimal parking spaces according to a user profile, the apparatus comprising:
- a parking management system;
  - a profile database for retentively storing a user profile that contains at least one user preference concerning preferred parking parameters that pertain to a parking space; and
  - a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system,
- wherein the parking management system determines a list of available parking spaces, and, in response to a user communication with the parking management system, retrieves from said profile database a previously stored user profile containing said at least one user preference

and, in further response to said user communication, provides an optimal available parking space based on the previously stored user profile, the parking database, and the list of available parking spaces.

12. The apparatus of claim 11, wherein said previously stored user profile containing said at least one user preference includes an identification of a user.

13. The apparatus of claim 11, wherein the data concerning preferred parking parameters includes a set of parameters and, for each parameter within the set of parameters, a preference value and a priority.

14. The apparatus of claim 11, wherein the user profile is a default profile.

15. The apparatus of claim 11, wherein said previously stored user profile containing said at least one user preference is selected in response to receiving an identification of a user.

16. The apparatus of claim 15, wherein the identification of the user is received by one of a card reader and a keypad interface.

17. The apparatus of claim 11, wherein said stored user profile contains at least one user preference concerning a parking parameter selected from a group that includes at least one of an indication of whether a parking space is occupied, an indication of whether the parking space is designated as handicapped, an indication of whether a pole is on one side of the parking space, a distance from an elevator lobby, a distance from an entrance or exit, and an indicator of whether the parking space is on an end of a row.

18. The apparatus of claim 11, wherein the parking management system receives sensor information from a plurality of sensors, wherein each sensor within the plurality of sensors indicates whether a given parking space is occupied.



19. The apparatus of claim 11, wherein the parking management system outputs the optimal available parking space to an output device.
20. The apparatus of claim 11, wherein the output device is one of a display and a printer.
21. A computer program product, executable by a computer readable medium, for providing location data concerning optimal parking spaces according to a user profile, the computer program product comprising:
- instructions for determining a list of available parking spaces; and
  - instructions, responsive to a user communication with a parking management system, for providing an optimal available parking space based on a user profile retentively stored in a profile database, wherein said user profile contains at least one user preference concerning preferred parking parameters that pertain to a parking space, a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system, and the list of available parking spaces.

## **EVIDENCE APPENDIX**

There is no evidence to be presented.

## **RELATED PROCEEDINGS APPENDIX**

There are no related proceedings.



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Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

10/697,918

Applicant(s)

CHAGOLY ET AL.

Examiner

ROBINSON BOYCE

Art Unit

3628

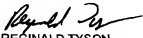
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 07 December 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

(1) The headings: Status of Claims, Status of Amendments and Claims Appendix are missing from the brief.

  
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PATENT APPEALS SPECIALIST  
571-272-1634